

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

TQP DEVELOPMENT, LLC, Plaintiff,	§ § § § § § § § § §	No. 2:12-CV-61-JRG-RSP
v. WELLS FARGO BANK, N.A., Defendant.		CONSOLIDATED
		JURY TRIAL DEMANDED
TQP DEVELOPMENT, LLC, Plaintiff,	§ § § § § § § § § §	No. 2:10-CV-446-JRG-RSP
v. DELL INC., ET AL. Defendants.		JURY TRIAL DEMANDED

STIPULATED MOTION FOR DISMISSAL WITH PREJUDICE

The plaintiff TQP Development, LLC and defendant Lowe’s Home Centers, Inc. pursuant to Fed. R. Civ. P. 41(a)(2) and (c), hereby move for an order dismissing all claims asserted between them in the lead consolidated case, *TQP Development, LLC v. Wells Fargo Bank, N.A.*, Case No. 2:12-cv-61, and *TQP Development, LLC v. Dell, Inc.*, Case No. 2:10-cv-446, WITH PREJUDICE, subject to the terms of that certain agreement entitled “**AGREEMENT**” and dated July 10, 2013, with each party to bear its own costs, expenses and attorneys’ fees.

SO STIPULATED:

July 11, 2013

Respectfully submitted,

<p><u>/s/ Michael A. Oakes</u> Edward F. Fernandes efernandes@hunton.com TQP-Lowes@hunton.com HUNTON & WILLIAMS, LLP 111 Congress Avenue, Suite 1800 Austin, TX 78701 Telephone: (512) 542-5000 Facsimile: (512) 542-5049</p> <p>Michael A. Oakes moakes@hunton.com TQP-Lowes@hunton.com HUNTON & WILLIAMS, LLP 2200 Pennsylvania Ave, NW Washington, DC 20037 Telephone: (202) 419-2172 Facsimile: (202) 778-7459</p> <p>Attorneys for Defendant LOWES HOME CENTERS, INC.</p>	<p><u>By: \s\ Paul A. Kroeger</u> Paul A. Kroeger</p> <p>Marc A. Fenster, CA SB No. 181067 Email: mfenster@raklaw.com Kevin P. Burke, CA SB No. 241972 Email: kburke@raklaw.com Adam S. Hoffman, CA SB No. 218740 Email: ahoffman@raklaw.com Alexander C.D. Giza, CA SB No. 212327 Email: agiza@raklaw.com Paul A. Kroeger, CA SB No. 229074 Email: pkroeger@raklaw.com Russ August & Kabat 12424 Wilshire Boulevard, 12th Floor Los Angeles, CA 90025 Telephone: (310) 826-7474 Facsimile: (310) 826-699</p> <p>Andrew W. Spangler, State Bar No. 24041960 Email: spangler@sfipfirm.com Spangler & Fussell P.C. 208 N. Green St., Suite 300 Longview, TX 75601 Telephone: (903) 753-9300 Facsimile: (903) 553-0403</p> <p>James A. Fussell, III, State Bar No. 2003193 Email: fussell@sfipfirm.com Spangler & Fussell P.C. 211 N. Union Street, Suite 100 Alexandria, VA 22314 Telephone: (903) 753-9300 Facsimile: (903) 553-0403</p> <p>Attorneys for Plaintiff TQP DEVELOPMENT, LLC</p>
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CRTIFICATE OF SERVICE

I hereby certify that on the 11th day of July, 2013, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, Marshall Division, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Paul A. Kroeger

Paul A. Kroeger

CERTIFICATE OF CONFERENCE

I hereby certify that counsel for Plaintiff and Defendant have conferred regarding the foregoing Motion, and Defendant does not oppose the relief sought.

Dated: July 11, 2013

/s/ Paul A. Kroeger

Paul A. Kroeger